

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DON COPELAND, et al.,
Plaintiffs,

v.

ENERGIZER HOLDINGS, INC., et al.,
Defendants.

Case Nos. 23-cv-02087-PCP; 23-cv-02091-PCP; 23-cv-02093-PCP

SCHEDULING ORDER

Re: Dkt. No. 17

Plaintiffs move for relief from the Court's scheduling order under Federal Rule of Civil Procedure 16. After taking the briefs under submission and in light of the parties' agreement that an extension is necessary, the Court is satisfied that Rule 16's good cause standard has been met. As the parties highlight, the volume of data relevant to class certification, coupled with delays in discovery, render achieving the deadlines set out in the current scheduling order improbable, if not impossible. The Court therefore grants plaintiffs' motion for relief from the existing case schedule.

Although the parties agree that an extension is necessary, they disagree as to the length and form such an extension should take. Plaintiffs propose extending class certification by 11 months and leaving all other deadlines in place. This would place the hearing and ruling on class certification after the completion of all expert discovery, an approach that plaintiffs previously proposed and the Court rejected. At that time, the Court expressed concern that this approach would prevent the parties from targeting their expert testimony to the class that has actually been certified (if any). Plaintiffs have not alleviated those concerns in their subsequent briefing.

Defendants propose extending all deadlines in the case by six months. But plaintiffs' expert has stated that she would need most of 2025 to analyze the relevant data. A six-month extension would require plaintiffs to file for class certification in August 2025, a deadline that

would not afford plaintiffs sufficient time to complete their analysis.

As an alternative, both parties propose an eleven-month extension to all deadlines. Although the Court prefers to extend all deadlines in tandem (as defendants suggest), a nearly one-year extension runs counter to the requirement that the Court consider class certification “[a]t an early practicable time” Fed. R. Civ. P. 23(c).

In light of the competing proposals and the need to move the case forward, the Court will extend all deadlines by nine months. Defendants have stated their intention to turn over all data by the end of 2024. Assuming they do so, a nine-month extension should provide plaintiffs sufficient time to clean and analyze that data prior to filing for class certification. The Court does not expect to grant any further extensions to this schedule absent a compelling showing of good cause. That said, if plaintiffs can demonstrate that it is impossible to meet the new class certification deadline due to defendants’ delay in producing data, the Court will consider extending the class certification deadline without extending other deadlines.

The case schedule is therefore amended as follows:

DEADLINE	PRIOR DEADLINE	NEW DEADLINE
Class certification motion	February 28, 2025	November 21, 2025
Class certification opposition	May 28, 2025	February 20, 2026
Class certification reply	July 23, 2025	April 17, 2026
Class certification hearing	August 21, 2025	May 21, 2026
Last day to complete ADR	One month after ruling on class certification	
Close of fact discovery	November 24, 2025	August 24, 2026
Expert reports on merits and damages under Rule 26(a)(2) for issues where that party bears the burden of proof	January 9, 2026	October 9, 2026
Rebuttal expert reports on merits and damages under Rule 26(a)(2)	March 20, 2026	December 21, 2026
Close of expert discovery	June 5, 2026	March 5, 2027

Deadline for parties to meet and confer and submit a stipulation and proposed order regarding a briefing schedule for motions for summary judgment and any <i>Daubert</i> motions pursuant to Section IX.D. of the Court's Standing Order	June 26, 2026	March 26, 2027
Deadline for summary judgment/ <i>Daubert</i> motions	August 7, 2026	May 7, 2027
Summary judgment/ <i>Daubert</i> motions hearing	January 28, 2027	October 28, 2027
Final pretrial conference	May 25, 2027	February 22, 2028
Trial	June 28, 2027	March 27, 2028

IT IS SO ORDERED.

Dated: November 1, 2024



P. Casey Pitts
United States District Judge